

(a) (1) In this section, "family day care" means care given in lieu of parental care to a number of children as specified in this subsection, in a facility located outside of the home of the child's parents or legal guardian, for a part of a 24 hour day, if compensation is paid for the care.

(2) A "family day care home" means the facility where the care is provided.

(3) A person, firm, corporation or agency may not provide family day care in this State without a license from the State Department of Human Resources.

(4) Subject to the limitations imposed by paragraph (5) of this subsection as to children less than 6 years of age, a licensee may care for up to six children at any given time. The licensee's own children under 2 years of age shall be counted as children served for the purposes of this subsection.

(5) At any given time:

(i) No more than two children under 2 years of age may be served.

(ii) If two children are under 2 years of age, no more than two additional children between the ages of 2 and 6 years may be served.

(iii) If one child is under 2 years of age, no more than three additional children between the ages of 2 and 6 years may be served.

(iv) If all the children are 2 years of age or older, no more than four children between the ages of 2 and 6 may be served.

(6) If the Department of Human Resources determines that the group size limitations in this subsection are unsuitable for a particular family day care home, the Department may decrease the number of children permitted in care at that family day care home.

(b) No license is required if family day care is provided by:

(1) A person related to the child by blood or marriage;

(2) In the counties, a person who is a close friend of the child's parents or legal guardian and is providing such care on an occasional basis for not more than four children regardless of any agreement between the parties as to payments; or